



Minnesota Pollution Control Agency

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US EPA RECORDS CENTER REGION 5



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June 2, 2014

Mr. John Jones
Director of Regulatory Management
Vertellus Specialties, Incorporated
201 North Illinois Street, Suite 1800
Indianapolis, IN 46204

Mr. Tom Harmening
City Manager
City of St. Louis Park
5065 Minnetonka Boulevard
St. Louis Park, MN 55416

RE: 2013 Progress Report on the Implementation of the Consent Decree
Reilly Tar & Chemical Superfund Site, St. Louis Park, Minnesota

Dear Mr. Harmening and Mr. Jones:

The Minnesota Pollution Control Agency and the U.S. Environmental Protection Agency (Agencies) received the "2013 Annual Progress Report on the Implementation of the Consent Decree" submitted on March 17, 2014 from Summit Envirosolutions on behalf of the city of St. Louis Park (City). Agency staff have reviewed the report and make the following statements to clarify the Agencies' position on matters discussed in the report.

General:

The Agencies approve the new streamlined format provided that future Annual Progress Reports indicate that this report in combination with the Annual Monitoring Report are together intended to meet the requirements of Section K of the Consent Decree.

CD-RAP Modifications:

The Agencies note that recent changes in the methodology used by Minnesota Department of Health (MDH) to calculate health risk limits (HRLs) is resulting in the need for laboratories to develop lower method detection limits. MDH has indicated to the Agencies that it is considering revising the HRL for three non-carcinogenic Polycyclic Aromatic Hydrocarbons (PAHs) detected at the Reilly site: Acenaphthene, Pyrene and Fluoranthene. MDH has also indicated that they consider two non-carcinogenic PAHs found in Edina wells (dibenzothiophene and 2,3-dihydroindene) as emerging chemicals of concern for which HRLs should be developed.

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In the Agencies' February 4, 2014 letter to you, we indicated that we are willing to discuss modifications of the Drinking Water Criteria and Advisory Levels in the CD-RAP. As the first step, we have initiated internal discussion among U.S. Environmental Protection Agency, MPCA and MDH to evaluate what revised criteria might be acceptable. Therefore, at this time it is premature to comment on the proposed changes in the CD-RAP criteria.

Well 403 Cleanout and Monitoring:

The Agencies note that, while we agree that the removal of debris from well W403 was necessary, we are not ready to conclude that the debris was the cause of the increased PAH concentrations detected in samples collected from well W403. It was unfortunate that the City did not analyze the debris analyzed for the presence of PAHs to determine if it was a possible source of contamination. It is possible that the lower concentrations of PAH detected may be the result of the high volume of pumping of the well (over 1,000,000 gallons) prior to sampling, which may have drawn in groundwater from less contaminated areas. The Agencies' believe that additional data will be necessary before conclusions can be drawn about contaminant trends in this well.

Prairie du Chien – Jordan Aquifer Gradient Control:

We understand that this annual report summarizes events of 2013, but the Agencies' note that on February 4, 2014 we notified Vertellus and the City of a failure of performance related to gradient control in the Prairie du Chien aquifer.

Vapor Intrusion Investigation:

The Agencies note that we are in the process of finalizing a Five-Year Review Addendum that includes the results of the vapor intrusion investigation and documents that Site contaminants do not present a vapor intrusion risk. We will supply you with a copy of that review when it is completed.

Table 1. Status of CD-RAP Activities - 2013:

Section 2.4 - The Agencies note that Well SLP 17 was a required monitoring well in the CD-RAP and that abandonment that occurred in 2013 was not approved by the Agencies.

Section 3.4 - The Agencies note that we did not approve the City's proposal to delay modification of the 2012 Annual Monitoring Report until gradient control issues are resolved. The City must address the comments in our August 29, 2013 letter and resubmit the 2012 AMR.

Section 7.4.1 - The Agencies note that on February 4, 2014 we notified Vertellus Specialties, Incorporated and the City that the City's plan was not acceptable to the Agency and provided Vertellus a formal Notice of Failure to Perform.

Section 12.1.1 - The Agencies note that in addition to the exceedance of Drinking Water Criteria included in the table, that in 2013 there was an exceedance of Advisory Levels in Edina 13, but resampling results were below Advisory Levels.

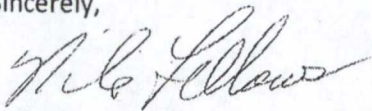
Table 2. Expected CD-RAP Activities - 2014:

Section 2.4 - The Agencies note that the City may only abandon monitoring wells with the approval of the Agencies.

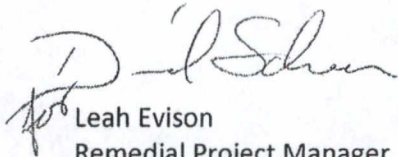
Section 7.4.2 - The Agencies note that on February 4, 2014 we notified Vertellus Specialties, Inc. and the City that the City's plan was not acceptable to the Agency and provided Vertellus a formal Notice of Failure to Perform.

No changes to the 2013 Annual Progress Report are needed in response to the Agencies' clarifying statements above and the Agencies therefore approve the 2013 Annual Progress Report. If you have any questions in this matter feel free to call Nile Fellows, at 651-757-2352 or Leah Evison, at 651-757-2898.

Sincerely,



Nile Fellows
Project Leader
Site Remediation & Redevelopment Section
Remediation Division
Minnesota Pollution Control Agency



Leah Evison
Remedial Project Manager
Remedial Response Section 1
Superfund Division
U.S. Environmental Protection Agency

NF/LE:csa

cc: Charles N. Nauen, Lockridge Grindal Nauen PLLP
Mark Hanson, City of St. Louis Park
Jay Hall, City of St. Louis Park
Eric Tollefsrud, Geosyntec Consultants
William Gregg, Summit Environsolutions